



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States District Courthouse
300 Quarropas Street
White Plains, New York 10601*

November 16, 2020

BY CM/ECF and ELECTRONIC MAIL

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
New York, New York 10601

**Re: *United States v. Simon Goldbrener, et al.*,
18 Cr. 614 (KMK)**

Dear Judge Karas:

The Government writes respectfully to request that this Court set dates in December 2021 for the sentencings of defendants Simon Goldbrener and Moshe Schwartz. As the Court is aware, all the defendants in this case pled guilty in January and February 2020. Sentencing submissions were completed on December 8, 2020. Sentencings have since been delayed by the COVID-19 pandemic. Although the pandemic persists, it has become sufficiently stable to permit sentencing to go forward.

The Government requests sentencings for December 2021 because, among other reasons, the lead agent investigating this case will retire in January 2021, and her testimony may be necessary to resolve any factual issues in this case. It is for that same reason that this Court should schedule the sentencings for Goldbrener and Schwartz first: Both defendants' sentencing submissions could be interpreted to raise factual disputes that may require hearings to resolve. (*See* Dkt. 177 at 36, 51–52). The Court may also find it efficient to order Goldbrener and Schwartz to identify any factual assertions in the Government's submission which they continue to dispute, by

Hon. Kenneth M. Karas
November 16, 2021
Page 2 of 2

submitting a letter at least one week prior to sentencing, so that the Court can determine whether the sentencing can be conducted, or a hearing must be scheduled.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By:_____



Michael D. Maimin
Hagan C. Scotten
Vladislav S. Vainberg
Assistant United States Attorneys
(914) 993-1952 / (212) 637-2410 / 1029

cc: All counsel (via CM/ECF and electronic mail)